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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Herve PERRON et al.

Group Art Unit: 1644

Application No.: 09/936,835

Examiner: G. Ewoldt

Filed: November 20, 2001

Docket No.: 110631

For: DETECTING SUPERANTIGEN ACTIVITY IN A BIOLOGICAL SAMPLE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 5, 2004, Restriction Requirement, Applicants provisionally elect Group I, claims 1-13, 18-22 and 32-40, with traverse. Based on the election of Group I, no election of species is required.

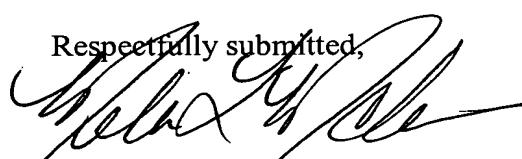
Claims 1-71, 73 and 74 are pending. Claim 72, which is grouped as Group VIII, was canceled in the Preliminary Amendment filed on September 18, 2001. The Examiner is respectfully requested to confirm that this Preliminary Amendment was entered.

It is also respectfully submitted that the subject matter of all claims 1-13, 18-22, 32-52 and 73 is sufficiently related that a thorough search for the subject matter of any one Group of these claims would encompass a search for the subject matter of the remaining claims. In particular, claim 73 of Group IX depends from claim 1 of elected Group I. In addition, like claims 1-13, 18-22 and 32-40 of elected Group I, claims 41-52 of Group VI relate to a method in which superantigen activity is detecting based on a lymphocyte bearing a V β determinant. Thus, it is respectfully submitted that the search and examination of the all of claims 1-13, 18-22, 32-52 and 73 could be made without serious burden. See MPEP §803 in which it is

stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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WPB:MLM/jam

Date: September 3, 2004

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